

REMARKS

Claims 1-89 are pending in the captioned Application in which claims 1-70 are subject to a restriction requirement, in which claims 44, 62 and 69 are amended, and in which claims 71-89 are newly added.

Restriction/Election Requirement:

The Examiner has required restriction/election of species to either Group I comprising claims 1-38 drawn to a belt scraper, Group II comprising claims 39-57 drawn to a blade assembly, or Group III comprising claims 58-70 drawn to a torsional tensioner. The Examiner also has identified 13 allegedly different species under Group I.

Applicant hereby elects to initially prosecute claims 1-38 and 71-89 of Group I, and respectfully traverses the restriction requirement. Applicant further elects to initially prosecute the alleged species of Figure 1, and also traverses the election of species requirement. The claims that are readable on alleged Species I of Group I, and possibly on other alleged species, include at least claims 1-3, 6-14, 16-21, 22-23, 26-30, 32-38, 71, 74-75, 76-80 and 81-89. At least claims 1, 22, 71 and 89 are generic.

Argument Regarding Restriction:

The Examiner has required restriction because "the combination as claimed does not require the particulars of the subcombination because the combination can be utilized without the specific limitations of the torsional tensioner subcombination" which goes to the basis for restriction between the torsional tensioner claims of Group III and both the belt scraper claims of Group I and the blade assembly claims of Group II. No reason is given for the restriction between the claims of Groups I and II, other than an alleged classification difference.

The claims of Group I and Group II read on the same embodiments. For example, the claims of Group I readable on Figures 1-3 are set forth herein and claims 39, 42-43, 45-48 and 49-57 of Group II are also readable thereon. Moreover, elements of the torsional tensioner of Group III are recited in certain claims within Group I and so a search directed to Group I should also search for the features recited therein relating to the tensioner.

Accordingly, it is submitted that in searching claims 1-38 of Group I the Examiner is not only likely to search classifications that also disclose the structure recited in claims 39-57 of Group II, and vice versa, but should search such classifications. For a search directed to either the Group I or the Group II claims to be complete, the Examiner should also search the art classifications pertaining to the non-elected Group. Thus, the search required if all of claims 1-70, now claims 1-89, are examined is not necessarily more complex or extensive than that for claims 1-38.

Claims 1-38 directed to the belt scraper comprise elements that are substantially like the elements recited, for example, in the blade assembly claims 39-57 of Group II and in the tensioner claims 58-70 of Group III. As a specific example for the Group II claims:

| GROUP I — CLAIMS 1-38 BELT SCRAPER | GROUP II — CLAIMS 39-57 BLADE ASSEMBLY |
|---|--|
| Claim 22. A belt scraper comprising: a blade holder; | Claim 39.* A blade assembly comprising: a blade holder including a rod disposed in said blade cavity and an elongated key-bar extending radially from said rod with said key-bar disposed in said key-bar groove |
| a scraper blade having a blade body, a blade tip on one end of said blade body and a pair of skirts extending from an end of said blade body opposite the blade tip, wherein said pair of skirts are flexible and define a blade cavity for receiving and engaging said blade holder; | a scraper blade having a blade body, a blade tip on one end of said body and a pair of skirts extending from an end of said body opposite the blade tip, wherein said pair of skirts are flexible and define a blade cavity and a key-bar groove therein |
| wherein said scraper blade is mounted on said blade holder with said blade holder disposed in said blade cavity with said skirts releasably engaging said blade holder; and | a blade holder including a rod disposed in said blade cavity and an elongated key-bar extending radially from said rod with said key-bar disposed in said key-bar groove, said pair of skirts releasably engaging the rod of said blade holder. |
| a tensioner adapted for urging said scraper blade toward a belt. | |

[* Certain elements repeated and/or re-ordered for purposes of comparison.]

Similarly, as to the Group III claims, for example:

| GROUP I — CLAIMS 1-38 BELT SCRAPER | GROUP III — CLAIMS 58-70 TORSIONAL TENSIONER |
|--|--|
| Claim 1. A belt scraper comprising: a blade holder; a mount adapted to position said blade holder transverse to a belt; a blade mounted on said blade holder; and | Claim 58.* A torsional tensioner for tensioning a member comprising: a mounting plate having a hole therethrough adapted for rotatably receiving the member; |
| a tensioner including an outer collar affixed to said mount and an inner collar affixed to said blade holder, [claim 1] | an outer collar spaced away from said mounting plate and having an arcuate edge complementary to the arcuate housing, said outer collar being rotatable with respect to said arcuate housing about an axis substantially intersecting the hole; an inner collar rotatably disposed between said outer collar and said mounting plate, said inner collar having a through hole adapted for receiving the member and being rotatable about an axis substantially intersecting the hole; |
| a torsion spring coupled between said inner and outer collars for urging said blade toward the belt. [claim 1] | a torsion spring coupled between said inner and outer collars for urging relative rotational movement of said inner and outer collars toward a relaxed position of said torsion spring. |
| The belt scraper of claim 1 wherein said tensioner further includes a housing member fixed with respect to said mount and extending proximate said inner and outer collars, [claim 11] | an arcuate housing affixed to and extending from said mounting plate and being arcuate about an axis intersecting said mounting plate proximate the hole therein; |
| a clamp for releasably constraining the rotational position of said outer collar with respect to said housing member. [claim 11] | a clamp for fixing the outer collar rotatably with respect to said arcuate housing within a continuous range of angular positions; |
| wherein said housing member has an arcuate shape complementary to an arcuate edge of said outer collar, and wherein said clamp engages the arcuate shape of said outer collar with the arcuate shape of said housing member. [claim 12] | an arcuate housing affixed to and extending from said mounting plate and being arcuate about an axis intersecting said mounting plate proximate the hole therein; |

[* Certain elements repeated and/or re-ordered for purposes of comparison.]

Accordingly, it is submitted that in searching claims 1-38 of Group I the Examiner is likely to search classifications that also disclose the structure recited in claims 58-70 of Group III, and vice versa, and that for a search directed to either the Group I or the Group III claims to be complete, the Examiner should also search the art classifications pertaining to

the non-elected Group. Thus, the search required if all of claims 1-70, now claims 1-89, are examined is not necessarily more complex or extensive than that for claims 1-38.

Argument Regarding Election of Species:

With regard to the election of species requirement, the Examiner has taken figures that show details and/or different views of an embodiment and alleges that these are independent species. As to alleged Species I, for example, Figures 1 and 2 illustrate the belt scraper and Figures 3, 4, 5, 6, 7 and 10A-10C, for example, illustrate portions and/or views thereof, some of which are enlarged, so as to illustrate certain details thereof.

Further, the Examiner alleges that Figure 15 is directed to an alternative scraping system that is another species, however, examination of Figure 15 will show that it differs from Figure 1 in illustrating relatively minor variations of the belt scraper. Among the variations are that two slots 22 in mounting plate 20 are changed from an "I" shape to a "T" shape, that a slot 272 is added, and that outer collar 230 has a hex 238. It is noted that slot 272 is also illustrated (but isn't separately numbered) in Figure 14 which illustrates details of the belt scraper of Figure 1. Claims 1-3, 6-14, 16-21, 22-23, 26-30, 32-38, 71, 74-75, 76-80 and 81-89 that are readable on alleged Species I are also readable on the embodiment of Figure 15, which is alleged to be a different species VI.

Similarly, the outer collar illustrated in Figures 16A-16B (alleged Species V) is described as suitable for use in the arrangement of Figure 4 (page 5, lines 18-20) which is in alleged species I. Claims 1-3, 6-14, 16-21, 22-23, 26-30, 32-38, 71, 74-75, 76-80 and 81-89 that are readable on alleged Species I are readable on the outer collars of Figures 4 and 15, which are alleged to be different species.

Accordingly, it is submitted that the alleged species identified by the Examiner are artificial despite patentable distinctions thereof, and that all of claims 1-38 and 71-89 of elected Group I should be examined.

Other Matters:

Claims 44, 62 and 69 are amended to correct grammatical and/or typographical errors and are not made for purposes of patentability.

Added claims 71-89 are directed to a belt scraper, as are claims 1-38 of Group I. Support therefor is found, for example, in the specification at page 8, line 16 to page 16, line 17, at page 23, line 5 to page 25, line 14, and in Figures 1, 2 and 3. Because each added claim is directed to a belt scraper, as are Group I claims 1-38, added claims 71-89 are properly in Group I and should be examined with the elected claims of Group I as set forth above.

This amendment does not narrow the scope of any claim element or limitation and so is not limiting of any claim element or limitation, and Applicant reserves the right to the benefit of the doctrine of equivalents with respect thereto.

Conclusion:

Enclosed is a check in the amount of \$255.00 in payment for the fee for increasing the number of independent claims by two and for increasing the total number of claims by 19 in this timely-filed response. However, should any additional fee be due in consequence of this response, please charge such fee, and deposit any refund, to Deposit Account 04-1406.

Applicant respectfully requests that the restriction requirement be reconsidered in light of the foregoing and that the Application including claims 1-89 be examined and allowed.

The Examiner is requested to telephone the undersigned attorney if there is any question or if prosecution of this Application could be furthered by telephone.

Respectfully submitted,
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APPENDIX**SPECIFICATION PARAGRAPHS MARKED TO SHOW AMENDMENT(S) THERETO:**

None.

AMENDED CLAIMS MARKED TO SHOW AMENDMENT(S) THERETO:

44. (Amended) The blade assembly of claim [3928] 39 wherein said blade holder comprises a second rod substantially parallel to and spaced apart from said rod, and a web joining said second rod and said rod.
62. (Amended) The tensioner of claim 61 wherein a first end of said torsion spring is permanently fastened to said inner collar and a second end of said torsion spring is permanently fastened to said outer collar, whereby said torsion spring and said inner and outer collars are removable as a unitary member by moving said clamp through the further slot.
69. (Amended) The tensioner of claim 58 wherein a first end of said torsion spring is permanently fastened to said inner collar and a second end of said torsion spring is permanently fastened to said outer collar, whereby said torsion spring and said inner and outer collars are removable as a unitary member.